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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-678 JSW
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	CONTINUING THE MOTION / TRIAL
v.)	SETTING DATE
)	
GLENIO JESUA FERREIRA SILVA,)	
)	
Defendant.)	
_____)	

____ The defendant was indicted on October 25, 2007. On November 1, 2007, the parties made their Initial Appearance before this Court and set a further date for Motions / Trial Setting before this Court on Thursday, December 13, 2007 at 2:30 p.m.

At the last appearance before this Court, the United States represented that it had provided a significant volume of discovery to the defendant but that additional discovery had been requested by the defendant. The United States reported that it would procure that discovery and, upon receipt from Immigration and Customs Enforcement, produce it to the defendant. The discovery in question involves, in part, Alien Files for four aliens, some of whom are still in deportation/removal proceedings, and a search for additional administrative filings pertaining to

two other aliens. The United States has not received all discovery from Immigration and Customs Enforcement and as such, has not provided full discovery to the defendant. To enable the United States to receive and produce the referenced discovery and to permit the defendant to fully assess the nature of the case after receipt of this discovery, the parties request that this matter be continued until January 24 or 31, 2008. The parties advise that counsel are unavailable during the holiday week due to scheduled vacations and that counsel for the United States is unavailable on January 17, 2007 due to a prior work-related obligation. The parties agree that time is properly excluded under the Speedy Trial Act for effective preparation of counsel and continuity of counsel. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO STIPULATED:

DATED: December 11, 2007

/s/

 DENISE MARIE BARTON
 Assistant United States Attorney

DATED: December 11, 2007

/s/

 STEVEN GRUEL
 Attorney for GLENIO JESUA FERREIRA
 SILVA

For the foregoing reasons, this matter is continued until January ___, 2008 at 2:30 p.m. Pursuant to the Speedy Trial Act, Title 18 United States Code, section 3161(h)(8)(B)(iv), the ends of justice are served by granting the requested continuance, given that failure to do so would deny counsel for the Government reasonable time for effective preparation and continuity of counsel, taking into account the exercise of due diligence. Accordingly, time shall be excluded from December 13, 2007 through the January ___, 2008.

SO ORDERED.

DATED: _____

 Honorable Jeffrey S. White
 United States District Court Judge